

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MARTIN J. WALSH,)	
SECRETARY OF LABOR,)	
U.S. DEPARTMENT OF LABOR,)	
)	
Plaintiff,)	CIVIL ACTION FILE
)	NO. 4:22-cv-3246
v.)	
)	
PACKERS SANITATION SERVICES,)	
INC., LTD.,)	
)	
Defendant.)	

**SECRETARY OF LABOR’S MOTION FOR
TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION**

Pursuant to Rule 65(a) and (b) of the Federal Rules of Civil Procedure, Plaintiff Martin J. Walsh, Secretary of Labor, United States Department of Labor (“Plaintiff” or “Secretary”) by and through undersigned counsel, hereby moves this Court for a Temporary Restraining Order and Preliminary Injunction based upon the facts set forth in the Brief in Support, Declarations, and Exhibits (“Supporting Documents”) filed herewith. This requested relief is sought to enjoin Defendant and its agents under sections 12(b) and 17 from continuing to violate sections 12(c) and 15(a)(4) of the Fair Labor Standards Act, 29 U.S.C. § 201, *et seq.* (“FLSA” or the “Act”).

Plaintiff’s motion is premised upon Defendant Packers Sanitation Services, Inc., Ltd.’s violation of Sections 12(c) and 15(a)(4) of the FLSA by employing at least one minor under the age of 14 to clean a slaughtering and meat packing establishment; by employing minors under the age of 16 to work overnight shifts after 7:00pm and to work more than 3 hours per day and more than 18 hours per week while school is in session; and by employing minors under the age of 18 to work on the killing floor and to clean power-driven machines at slaughtering and meat packing facilities, all of which constitute oppressive child labor. Further, as more fully explained in the

Supporting Documents, Defendant has interfered with the Secretary's investigation into Defendant's compliance with the FLSA. Under Section 17 of the FLSA, the Secretary is specifically authorized to seek injunctive relief in federal district court to ensure compliance with the FLSA, including its child labor provisions.

As set forth in the Supporting Documents, the Secretary has satisfied each of the four elements required for the issuance of injunctive relief. First, Defendant's continued use of oppressive child labor causes irreparable harm to minors, and Defendant's interference with the Secretary's investigation causes irreparable harm to the Secretary. Second, the balance of any possible hardships tips in the Secretary's favor, as he is asking only that Defendant follow the law. Third, the Secretary is likely to succeed on the merits to show Defendant unlawfully employs oppressive child labor. And fourth, the public's interest in protecting minor children and ensuring efficient investigations and enforcement of the FLSA will be served by the entry of a temporary restraining order and preliminary injunction.

WHEREFORE, the Secretary respectfully requests the Court enter the following temporary restraining order prohibiting Defendant and its agents from any further use of oppressive child labor and interference with the Secretary's investigation. Specifically, the Secretary requests that the Court immediately issue an order restraining Defendant and its agents, and all those in active concert and participation with them, as follows:

1. Defendant and its agents are enjoined from violating sections 12(c) and 15(a)(4) of the Fair Labor Standards Act by employing oppressive child labor as defined in section 3(l) of the FLSA, at each of its workplaces throughout the United States of America;
2. Defendant and its agents are enjoined from refusing to provide information to the Department of Labor to aid in its investigation;
3. Defendant and its agents are enjoined from instructing employees not to speak to the Department of Labor, or otherwise preventing, discouraging, surveilling, or

threatening employees from cooperating with the Department of Labor, and from retaliating against any employees who participate in the investigation;

4. Order all such other relief as may be appropriate, just, and proper.

SEEMA NANDA
Solicitor of Labor

CHRISTINE Z. HERI
Regional Solicitor

EVERT H. VAN WIJK
Associate Regional Solicitor

/s/ Traci Martin
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*Attorneys for Plaintiff Martin J. Walsh
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CERTIFICATE OF SERVICE

I certify that the foregoing Motion and its accompanying Brief, Declarations and Exhibits, along with the Complaint in this matter will be served on this date 9th of November, 2022 to the following counsel for Defendant:

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/s/ Traci Martin